STATE OF CONNECTICUT

QUI TRANSTULIT SUSTINET

General Assembly   *Amendment*

January Session, 2017   LCO No. **8078**

HB0725608078HDO

Offered by:
  REP. TONG, 147th Dist.
  REP. REBIMBAS, 70th Dist.
  SEN. KISSEL, 7th Dist.
  SEN. DOYLE, 9th Dist.

To: Subst. House Bill No. **7256**   File No. 638   Cal. No. 409

"AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL JUSTICE STATUTES AND THE REPORTING OF THE DEATH OF ANY PERSON IN STATE CUSTODY."

1   In line 28, strike "(d) and (e)" and insert "(b) to (e), inclusive," in lieu
2   thereof

3   After line 30, insert the following:

4   "(b) A law enforcement official may apply for an ex parte order from
5   a judge of the Superior Court to compel (1) a telecommunications
6   carrier to disclose call-identifying information pertaining to a
7   subscriber or customer, (2) a provider of electronic communication
8   service or remote computing service to disclose basic subscriber
9   information pertaining to a subscriber or customer, or (3) a
10   telecommunications carrier or a provider of electronic communication
11   service or remote computing service to disclose the content of a

12   subscriber's or customer's communications or geo-location data
13   associated with a subscriber's or customer's call-identifying
14   information. **[**The**]** <u>In the case of an application for an order to compel</u>
15   <u>disclosure under subdivision (1) or (2) of this subsection, the</u> judge
16   shall grant such order if the law enforcement official swears under
17   oath to a statement of **[**(A)**]** a reasonable and articulable suspicion that
18   a crime has been or is being committed and such call-identifying or
19   basic subscriber information is relevant and material to an ongoing
20   criminal investigation<u>.</u> **[**, in which case such order shall not authorize
21   disclosure of the content of any communication or geo-location data,
22   or (B)**]** <u>In the case of an application for an order to compel disclosure</u>
23   <u>under subdivision (3) of this subsection, if the judge makes a finding of</u>
24   probable cause to believe that a crime has been or is being committed
25   and the content of such subscriber's or customer's communications or
26   the geo-location data associated with such subscriber's or customer's
27   call-identifying information is relevant and material to an ongoing
28   criminal investigation, **[**in which case such order shall authorize**]** <u>the</u>
29   <u>judge shall grant such order authorizing</u> the disclosure of such
30   information, content or geo-location data. Any **[**such**]** order entered
31   pursuant to this subsection shall state upon its face the case number
32   assigned to such investigation, the date and time of issuance and the
33   name of the judge authorizing the order. The law enforcement official
34   shall have any ex parte order issued pursuant to this subsection signed
35   by the authorizing judge within forty-eight hours or not later than the
36   next business day, whichever is earlier. No order pursuant to this
37   subsection shall authorize the disclosure of any such information,
38   content or data for a period in excess of fourteen days.

39   (c) A law enforcement official may apply directly to a
40   telecommunications carrier or provider of electronic communication
41   service or remote computing service for production of geo-location
42   data for a period not in excess of forty-eight hours, including real-time
43   or historical geo-location data, or any combination of such data,
44   pertaining to an identified subscriber or customer. The
45   telecommunications carrier or provider of electronic

46 telecommunication service or remote computing service may provide
47 the requested geo-location data upon the applicant stating under oath:
48 (1) That facts exist upon which to base a belief that the data sought is
49 relevant and material to an ongoing criminal investigation; (2) a belief
50 that exigent circumstances exist; and (3) the facts supporting the belief
51 that exigent circumstances exist. Any subsequent application for
52 information from the same telecommunication carrier or provider of
53 electronic communication service or remote computing service for
54 production of geo-location data in connection with the same
55 investigation shall be made pursuant to subsection (b) of this section."

56   After the last section, add the following and renumber sections and
57 internal references accordingly:

58   "Sec. 501. Section 51-277b of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2017*):

60   When any judge of the Superior Court, Appellate Court or Supreme
61 Court or employee of the Judicial Department may be affected by a
62 law enforcement investigation, any law enforcement agency
63 conducting such an investigation shall inform the Chief State's
64 Attorney and the appropriate state's attorney of such investigation in a
65 timely manner. The Chief State's Attorney shall inform the Chief Court
66 Administrator of such investigation, provided such disclosure does not
67 compromise any such investigation. **[**The Chief State's Attorney shall
68 adopt regulations in accordance with chapter 54 to implement the
69 provisions of this section.**]**"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	*October 1, 2017*	51-277b